

APPROVED: Meeting No. 10-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 6-81

February 23, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, February 23, 1981 at 8:00 p.m.

PRESENT

Mayor pro-tem Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

ABSENT

Mayor William E. Hanna, Jr.
(on travel leave)

The Mayor pro-tem in the Chair.

In attendance: City Clerk Helen M. Heneghan; Assistant City Attorney Paul Glasgow; Assistant City Manager Daniel Hobbs; City Manager Larry Blick; Director of Planning James M. Davis; Director of Community Development Douglas Horne; Superintendent of License and Inspection Paul Radauskas, Public Information Officer Sue M. Patterson.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. Councilman Tyner presented testimony on the Municipal Infractions Bill on February 12 before the House Constitutional Administrative Law Committee. Mr. Hobbs presented the testimony to the Senate on the Senate Bill on February 19, before the Judicial Proceedings Committee. Along with the testimony, pictures of violations were presented and the testimonies were favorably received. The Maryland Association of Counties spoke in support of the bill on February 19. Delegate Forehand has notified the City that due to her efforts, the Montgomery County Delegation reported favorably on the bill.

2. Plans for the Holiday Inn Office Building complex on Rockville Pike are now under review by the Division of License and Inspections. Bids are expected in early March with construction to start in the spring or early summer. The construction schedule is generally 18 months to two years.

3. William Patram, moving engineer for the B&O Station, was contacted today and he reported that the bad weather will delay the move of the station. It is now scheduled for Monday, March 2.

Councilman Freeland said that he testified on February 19 before the House Ways and Means Committee on duplicate taxation. The Mayor of Hagerstown also testified. One of the chief opponents of the bill is the Maryland Association of Counties but their opposition is not as strong as had originally been anticipated.

Re: Award of Contract - Bid No. 33-81,
Monroe Street Water Main

Bids were opened in the Council Chambers at 3:00 p.m. on February 17, 1981, for installation of 12" and 24" water pipe from the New Mark Commons Subdivision to the Wheel of Fortune Subdivision.

The bids were as follows:

Concrete General, Inc., Rockville, Maryland	\$101,280.00
Ennis & Son, Inc., Camp Springs, Maryland	106,660.00
Calcon Co., Rockville, Maryland	108,825.00
Zenoble Construction Co., Laurel, Maryland	109,188.95
Alejo Lopez, Inc., Bladensburg, Maryland	110,905.00
Rapp Construction Co., Beltsville, Maryland	112,488.50
Pleasant Excavating Co., Clarksburg, Maryland	114,535.00
Kenster Tri-State Company, Crofton, Maryland	119,830.00
Deneau Construction Co., Gaithersburg, Maryland	123,855.75
Sandot Construction Co., Beltsville, Maryland	124,272.50
Tribble Construction, Inc., Fairfax, Virginia	132,185.00
DiMeglio, Hyattsville, Maryland	133,370.00
Underground Construction Co., Beltsville, Maryland	134,870.00
CF & B and State Construction Co., Hyattsville, MD	149,813.00
John C. Appel, Inc., Fallston, Maryland	165,162.15

The Engineer's estimate was \$112,410. The staff recommends an award to Concrete General Company for \$101,280.00.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 33-81, for water main, was awarded to Concrete General, the low bidder, in the amount of \$101,280.00.

Re: Approval of waiver request for
on-site storm water management
Loftstrand Lane

This request is in connection with a building addition 640 Loftstrand Lane which is located in the Rock Creek Drainage Area.

Most of the area where the building addition is proposed is now paved. A minor amount of new paving is proposed for additional parking.

A detailed storm drainage study indicates that when the proposed work is completed the increase in run off for a 10 year storm event is only 1.11% at the nearest storm drainage inlet. Since there is no nearby storm drain system in which to drain a detention chamber if placed on-site, and since all infiltration devices used in the past for situations such as this have proved ineffective, the Montgomery Soil Conservation Service representative has indicated his intention to waive the on-site requirement.

For the above reasons and because there are locations for control facilities within 1,500 ft. downstream, the staff recommends that the on-site storm water detention requirement be waived and a contribution for this land disturbing activity of \$2,520 (0.28 acres at \$9,000) be made to the City's off-site program.

On motion of Councilman Freeland, duly seconded and unanimously passed, the waiver request was granted and the contribution accepted.

Re: Approval of waiver of public
hearing for sewer and water
installation - Berger/Berman
Builders

The Planning Commission and Mayor and Council recently approved PRU-14A-80 authorizing construction of 60 townhouse units on the Dawson Tract in Hungerford. The property owners have filed the standard request and waiver form authorizing the City to construct and specially assess the costs of the required public water and sanitary sewer systems.

The site is located on Ritchie Parkway, opposite Jefferson Street. Pettit & Griffin, the original tract owners, recently sold the townhouse development to Berger/Berman Builders, Inc., but retained ownership of the Dawson Farm House, which will also benefit from the new water and sewer system.

The staff estimates the total project cost at \$188,000. This amount divided by the 61 benefitting units, yields a per unit charge of \$3,100, which falls within the range of an equitable assessable cost.

The Developer will provide the Engineering services and an appropriate adjustment will be made to the assessment engineering charges.

On motion of Councilman Tyner, duly seconded and unanimously passed, authorization was given for the project to proceed.

Re: Introduction of Ordinance: To
Grant Street Closing Application -
SCA-23-80, E. Casey Applicant,
Locust Street.

On motion of Councilman Freeland, there was introduced upon the table, an ordinance granting street closing application, SCA-23-80, E. Casey, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Approval of Community Enhancement
and Exterior Maintenance Program

The staff reported to the Council on the Community Enhancement and Exterior Maintenance Program. Staff presented data on the Free Exterior Paint Program, the Exterior Property Maintenance Surveys, Free Protective Safety Service, and the Abandoned Auto Program. The staff recommended (1) that the Free Exterior Paint Program would apply citywide with the income limit raised from \$22,000 to \$24,000, adjusted gross income, due to inflation; (2) areas and time schedule for the Exterior Maintenance Surveys as submitted; (3) the implementation strategy and enforcement chart as noted in a memo; and (4) approval for the continuation of the Free Protective Safety Service and Abandoned Auto Programs.

Councilman Tyner asked if the recommended work could be done with the current budget. Mr. Radauskas said most of the funds are taken out of CDBG funds and the inspections have been done with a City employee under the current budget. There has been no increase in personnel. Councilman Freeland asked why the number of abandoned vehicles is less. Mr. Radauskas explained these are only the vehicles taken from private property, not found on public property. Councilwoman Fordham complimented the staff on their approach and she said it seems to be working.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, approval was given to the staff's recommendations.

Re: Citizen's Forum - This time is
set aside for citizens to address
the Mayor and Council on any subject

The Mayor pro-tem opened the meeting to all those citizens who wished to address the Mayor and Council.

1. Robert Windsor, attorney for Paisano's Incorporated. Mr. Windsor said that he has filed a text amendment with the City and preliminary review will be on the Council's agenda on March 9. He explained to the Council his

reason for filing and the reason for basement construction in order to accommodate necessary storage. He asked the Mayor and Council to review the amendment favorably and pass it on to the Planning Commission. He introduced Mr. Azod, present in the audience, owner of Paisano's.

2. Lucille Hood, 11 North Washington Street. Mrs. Hood said at the February 9 Citizen's Forum she spoke to the Council on the freedom of choice law. She said the City is selling a service at half the price of private business and this seems to be an act of the government confiscating private business. Councilman Tyner asked Mrs. Hood if she had joined the County Task Force studying these programs. She said she has.

There being no other citizen wishing to be heard, the Mayor pro-tem closed the citizens forum portion of the meeting.

Re: Report by Energy Commission on
Annual Energy Consumption

Mr. William Haberman, Chairman of the Energy Commission, reported to the Council on the Energy Consumption during 1980 and summarized the activities of the Commission. He specifically referred to the work that has been done at the Municipal Swim Center and Redgate Golf Course and noted that the Energy Commission will be looking into conversion to propane and examining the codes and regulations of the City in order to encourage the use of energy saving devices. Councilman Tyner asked if the Commission has looked at the feasibility of the Swim Center expansion and has looked at the addition to City Hall now that the plans are completed. Councilwoman Fordham asked if the Commission had the dollar amount that has been expended for retrofitting. Mr. Vandrey said forty to fifty thousand over a two year period. Councilwoman Fordham thanked the Commission for its efforts for the citizens.

Councilman Freeland noted a memo given to the Council this evening concerning the cost of street lighting. He said that the Council knows there is an energy and cost savings available but it is not in a position to do it and Pepco will not do it. He asked that the Commission look into the City's providing its own power for street lights, a system that will be efficient and effective. He asked that they come back with a report on this quickly. Mr. Haberman said that the Commission will first investigate whether it is reasonable and feasible because certainly a study has already been done and they will report back to the Council. The Mayor pro-tem thanked Mr. Haberman for coming this evening.

Re: Decision and Instructions to staff
re Street Closing Application,
SCA-29-80

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant the street closing application, SCA-29-80, and then hold the ordinance from an agenda pending Frederick pedestrian overpass discussions with WMATA.

Re: Decision and Instructions to staff
re Text Amendment Application,
T-40-80

Councilwoman Fordham stated that although she was not present for the hearing, she has read the transcript and the materials before coming to a decision. Councilman Tyner asked the Planning director to prepare information on the pending text amendment for all home occupations in residential zones. He noted that any current special exceptions are grandfathered and this text amendment will not affect them.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant text amendment application, T-40-80.

Re: Decision and Instructions to staff
re Map Amendment Application, M-26-80

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant the O-2 zoning.

Re: Discussion: Issues Raised at
Rental Housing Forum

Councilwoman Fordham noted that the Montgomery County Chamber of Commerce and the Housing Opportunities Commission had a joint meeting this evening to plan the May housing fair and she was pleased to see their actions so far. She would like to move to a unified housing policy. Regarding the older home conversion mentioned at the forum, she suggested the staff begin looking into it and work out some possibilities. She suggested going to the Rockville Civic Federation to see their reaction and maybe a test neighborhood be attempted. Councilman Freeland agreed and said there are couples living in large homes while their children are forced to live elsewhere and it would be possible to convert to two families living in a house with a small investment. Councilwoman Fordham said she strongly supports the idea and a constituency must be

built for it. Councilman Tyner said he would like to see something set up to assist older people in proximity to public transportation. This would be a necessity. Councilman Freeland said the Council should address what is within its grasp, however, there will be no City subsidy for such a plan. It would have to be done by private citizens and it would necessitate the owner living in the home.

Mayor pro-tem Abrams noted that if the housing forum, were to be held in May, there would be a different approach in light of HUD's relationship with the new president. He said it will be necessary to find incentives for the private sector and activities to encourage the retention of rental units whether it be tax breaks to renters or getting involved in relieving the administrative burden of landlords. Mayor pro-tem Abrams also suggested that the city could lobby for federal legislation which would provide for tax exempt savings accounts for people attempting to save money for a down payment on their first house. Other issues discussed at the housing forum were rent control, condominium conversion, development incentives for the private sectors, zoning changes and the housing of people with special needs. Councilman Freeland suggested that by discussing the conversion of older homes, the city could work with what is in its grasp and not minimize the effectiveness of the staff. He asked that action be taken soon and the staff not allow six months to elapse. The City Manager said a more detailed report will be back to the Council in three weeks.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. John F. Hudson, re parking ticket
2. U.S. Department of Transportation, response to letter re I-270 interchange
3. Doyle Hodges, thank you for proclamation
4. County Board of License Commissioners, response to City's letter
5. COG, re services provided

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Director of Planning re landfill
2. Project reports from CDHA

Councilman Tyner noted this report included information on signing at Redgate and he asked if the signs conformed to the suggested signage. The City Manager said they did.

3. Notice of liquor license renewal application
4. Letter complimenting City Police
5. Copy of letter to County Executive re fire safety
6. Copy of letter to Chairman of Senior Citizens Commission re facilities for the handicapped
7. Memo from Public Works re sidewalk on Rt. #28 (2/4/81)
8. Copy of letter to Pepco from City Manager re cost study
9. Summary of Police Department activities - July-December, 1980

Councilman Tyner said he would like more information on this report since the figures on clearance rate are quite low. Councilwoman Fordham agreed and suggested the report be discussed with the police before the city gets into budget. Councilman Freeland asked for a work session on public safety with the police and business people and representatives of the community to discuss the entire program. Council agreed this could be done.

10. Memo from Energy Planner re RMSC Solar Design Fees
11. Status Report on West Montgomery Avenue
12. Project Reports from Director of Planning

Councilman Tyner noting a project report asked the status of the sign report. Mr. Davis said the planning commission is still grappling with it and there will be no major progress until the municipal infractions law is acted on. Councilman Tyner said he would like some more information on the concept of decking at the Town Center Parking lot since it would seem by the time the station opened the lot will be at capacity. It is in such demand right now. He also asked for more information on the pitfalls of home occupations before the budget process begins.

13. Notice of lack of funding for thermography project

Councilman Freeland asked if it was true that the City only could go forward with a grant. Is that the way it was originally agreed. He asked the City Manager if there is a possibility of talking to a private group who has such a business so that the city could work with them and not necessitate the equipment purchase. Councilman Tyner asked that this be put on next year's budget work list. Councilwoman Fordham said she has a problem with the liability and subsidizing of any private company. The City Manager said the staff will put together a fact sheet on its feasibility, however, there are only certain times of the year that this project can be done, in the extreme cold, in order to photograph the heat loss.

Re: Approval of Minutes - Meeting No. 4-81

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 4-81, were approved as written.

Re: Executive Session

On motion Councilman Freeland, duly seconded and unanimously passed, the meeting was closed for executive session at 9:50 p.m. to discuss property negotiation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:15 p.m. to convene again in general session on Monday, March 9, or at the call of the Mayor.